

PLAN AND ZONING COMMISSION MEETING

February 1, 2016

Direction: CITY1508.DSS

Chairperson Erickson called the regular meeting of the Plan and Zoning Commission to order at 5:30 p.m. on Monday, February 1, 2016, in the Council Chambers of the West Des Moines City Hall, located at 4200 Mills Civic Parkway, in West Des Moines.

Roll Call: Andersen, Costa, Crowley, Erickson, Hatfield, Southworth.....Present
Brown.....Absent

Item 1 - Consent Agenda

Item 1a - Minutes of the meeting of January 18, 2016

Chairperson Erickson asked for any comments or modifications to the January 18, 2016 minutes.

Moved by Commissioner Crowley, seconded by Commissioner Costa, the Plan and Zoning Commission approve the minutes of the January 18, 2016 meeting.

Vote: Crowley, Costa, Andersen, Erickson, Hatfield, Southworth.....Yes
Brown,Absent

Motion carried.

Item 2 – Public Hearings

Item 2a – Village of Ponderosa, east of South 60th Street at Village View Drive – Amend the Specific Plan Ordinance to modify commercial wall signage regulations – W. West Investments, LLC- ZC-002958-2016

Chairperson Erickson opened the public hearing and asked the Recording Secretary to state when the public notice was published. The Recording Secretary indicated that the notice was published in the Des Moines Register on January 22, 2016.

Chairperson Erickson asked for a motion to accept and make a part of the record all testimony and all other documents received at this public hearing.

Moved by Commissioner Hatfield, seconded by Commissioner Erickson, the Plan and Zoning Commission accept and make a part of the record all testimony and all other documents received at this public hearing.

Vote: Hatfield, Erickson, Andersen, Costa, Crowley, Southworth.....Yes
Brown,Absent

Motion carried.

Kevin Wilde, Sign & Zoning Administrator, briefly explained he is representing the applicant, who was unable to attend the meeting. The request is not just one of the applicant for their business, but also amends the Village of Ponderosa Specific Plan Ordinance which governs signage for all commercial establishments in the development. The signage regulations of the Specific Plan is written based upon where the entrance is to the building. If Market Street were treated as a public street and given the 1:1 ratio that is typically given for a public street along with S. Prairie View Drive, this particular business would be allowed additional signage. The applicant's request is for additional signage and staff believes that this would be beneficial for a majority of the commercial entities in the Village of Ponderosa development. Staff is in support of the request to amend the Specific Plan Ordinance.

Commissioner Crowley inquired if this covered Phases 1-3 of the Ponderosa development and if it included the West Glen development.

Mr. Wilde confirmed that it would include the commercial and office developments within the Village of Ponderosa, but that it does not include the West Glen development as they have their own set of standards regarding signage.

James Wenman, 5845 Fairway Court, asked a question regarding the size of the signage that would be allowed for this type of amendment.

Mr. Wilde replied that the amendment is not about the size of an individual sign as much as it is the total accumulation of the signs.

Mr. Wenman inquired if they were the only entity to have requested the additional signage and if so, would the entire PUD be amended to accommodate their sole request.

Mr. Wilde replied affirmatively and because it makes sense since if the applicant were not a part of the (Village of Ponderosa) Specific Plan (i.e. located at 35th Street and Valley West Drive), they would be allowed to use two street frontages for calculation purposes, as what is being requested for Wellman's.

Mr. Wenman stated that his concern is with those individuals who reside in the Village and have agreed to the PUD, that they would not have a say in the amendment request.

Chairperson Erickson explained that his presence at tonight's meeting is that opportunity. Chairperson Erickson indicated that his concerns expressed at tonight's meeting will, as well as the action of the Commission be forwarded to the City Council. He indicated that the resident could also attend the Council meeting to also state his concerns. To add to Mr. Wilde's comments, by amending the Specific Plan Ordinance staff is assuring consistency and fairness for all occupants in the Village of Ponderosa development.

Chairperson Erickson asked if anyone from the audience would like to speak to this item and seeing none, closed the public hearing and asked for continued discussion or a motion.

Commissioner Hatfield commented that the amendment request is based on Mr. Wilde's presentation and the consistency it will bring as it relates to other locations within the City.

Commissioner Andersen clarified that the square footage of a sign is calculated based on public streets and that Market Street is a private street was not previously used in calculations.

Mr. Wilde responded that the Specific Plan allows 1½ sq. ft. for the wall that has the entrance and that a public street vs. private street was irrelevant, per the Specific Plan. This amendment would use S. Prairie View and Market Street for calculation at 1:1 ratio.

Moved by Commissioner Hatfield, seconded by Commissioner Crowley, the Plan and Zoning Commission approve a resolution recommending the City Council approve an amendment to the Village of Ponderosa Specific Plan Ordinance to modify how allowable signage for commercial establishments is calculated, allow the private street to be treated as a public street, and correct errors from the 2015 ordinance amendment.

Vote: Hatfield, Crowley, Andersen, Costa, Erickson, Southworth.....Yes
Brown.....Absent
Motion carried.

Item 2b – Ordinance Amendment - Amend Title 4 (Health and Safety Regulations), Chapter 4 (Nuisances) and Title 9 (Zoning), Chapter 10 (Performance Standards) and Chapter 14 (Accessory Structures) to establish regulations pertaining to solar energy systems – City Initiated – AO-002916-2015 (Continue to February 29)

Chairperson Erickson asked for a motion and a second to defer this item to the February 29, 2016 meeting to accommodate review at a City Council workshop and a subsequent Development and Planning City Council Subcommittee, if needed.

Moved by Commissioner Crowley, seconded by Commissioner Southworth, the Plan and Zoning Commission defer this item to the February 1, 2016 Plan and Zoning Commission meeting.

Vote: Crowley, Southworth, Andersen, Costa, Erickson, Hatfield, Southworth.....Yes
Brown.....Absent
Motion carried.

Commissioner Hatfield inquired when this item would be reviewed by the Development & Planning City Council Subcommittee.

Development Coordinator Schemmel replied that it is scheduled for a City Council workshop after the February 8th City Council meeting.

Item 3 – Old Business

Item 3a – Self-Storage – Amend Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions), Chapter 6 (Commercial, Office, and Industrial Zoning District), Chapter 10 (Performance Standards), and Chapter 15 (Off-Street Parking and Loading) to establish standards and regulations related to indoor self-storage and modify standards and regulations for self-storage mini-warehousing – City Initiated – AO-002949-2015 (deferred from January 18, 2016 meeting)

Brief discussion was held regarding whether or not to reopen the public hearing item. Chairperson Erickson then asked for a summarization by City staff.

Kara Tragesser, Planner, explained that this item was deferred at the previous Commission meeting and the public hearing portion was closed with no action being taken. Staff discussed the concerns that were raised by the Commission at the prior meeting and noted that staff remains of the opinion that the proposed ordinance amendment is still valid. From those comments, staff does propose two (2) additional performance standards. The first performance standard is that self-storage locations need to comply with both the Building and Fire Codes regarding storage in a building and fire sprinkler requirements. The second amendment is a result of concerns that were received from the Development & Planning City Council Subcommittee meeting with regard to the use of the building. The performance standard is in regards to the loading doors and the loading of personal goods that must be completed in the rear yard and not through the front doors. Ms. Tragesser indicated she contacted a representative with the Polk County Assessor's office regarding commercial property valuation and it was explained that although commercial properties are dependent on what is around them, assessors do take into consideration where they're located, the use of the building the condition of the building, and their impacts on adjacent properties. Planner Tragesser did reference examples of properties located in West Des Moines in the staff report that the Assessor's office felt did not appear to negatively impact or devalue the neighborhood in which they were located. In conclusion, staff does recommend approval of the ordinance with the two (2) proposed amendments.

Commissioner Crowley commented that for an office zoning, storage is not an appropriate use and that the request would be better handled as a PUD (Planned Unit Development) request.

Commissioner Hatfield concurred with Commissioner Crowley's comments.

Chairperson Erickson clarified that the motion is to deny this request.

Development Coordinator Schemmel explained that the motion is for approval of the proposed amendment requests. If the Commission votes to deny the proposed amendments, another motion would need to be made to recommend denial of the proposed amendments.

Chairperson Erickson confirmed that the proposal in front of the Commission is to approve the ordinance as written. Staff replied affirmatively.

Moved by Commissioner Crowley, seconded by Commissioner Hatfield, denial for the self-storage amendment and that staff processes the request as a PUD amendment.

Chairperson Erickson noted that the motion is to deny but the action in front of the board is a recommendation for approval of the ordinance as written. He then requested that the Commission first vote on the recommendation for approval. No motion or second was made for the motion to approve although a vote was taken in error indicating that and the motion for approval would fail. Chairperson Erickson then asked that since the Commission was not in support for approval of the ordinance amendments, would another vote be necessary for to recommend a PUD modification for the specific request.

Development Coordinator Schemmel explained that if the Commission is recommending that the specific property that generated the discussion on the ordinance amendment be handled through a PUD modification, that recommendation can be incorporated into the comments that will be forwarded to the Council. A motion or vote is not needed as a modification to the PUD for a specific project is not part of the requested action.

Chairperson Erickson explained that his 'yes' vote is the fact that he feels that this is unique enough that the likelihood of the office market being diminished by a self-storage use or that building conversions would be done is unlikely. He does, however, understand Commissioner Crowley's concern with the conversion of large parcels of office space into self-storage uses.

Commissioner Costa added that there are existing office parks that would like control over whether or not these types of uses are allowed. Office tenants like to utilize the services provided by the park and amenities close by and if you remove the number of office workers and the buildings, it changes the dynamics of the project.

Commissioner Hatfield added that floor loading requirements for storage are completely different than for an office use. He indicated agreement with Commissioner Crowley in that this proposal would be more appropriate as a PUD request.

Commissioner Crowley commented that he does not see the demand for self-storage uses and therefore, doesn't see the need for a City Code amendment. If someone should warrant a use for it the PUD should be amended.

Vote: No valid vote was taken

Item 4 – New Business**Item 4a – Newport Office Building - 1075 Jordan Creek Parkway – Approval of a Phased Site Plan to allow grading of the site and installation of private site infrastructure and building footings and foundations – R&R Realty Group – MaM-002943-2015**

Commissioner Hatfield indicated that he would be abstain from voting on this item due to a conflict of interest.

Tom Rupprecht, R & R Realty Group, 1225 Jordan Creek Parkway, representing RRH Woods, LC, explained that the applicant has proposed to construct a 75,000 sq. ft., three-story office building located at 1075 Jordan Creek Parkway and would be very similar in appearance to the existing Sonoma office building. Minor changes are proposed regarding color schemes and other minor adjustments to provide character to the building. Regarding staff comments on the future street lights, the applicant will perform an analysis to see if additional street light poles are needed and that analysis would be completed prior to occupancy. Otherwise, the applicant is in full agreement with staff recommendations and conditions.

Chairperson Erickson clarified that if lighting is required, the applicant would bond or provide for that.

Mr. Rupprecht replied affirmatively.

Planner Tragesser briefly commented that staff has no additional comments other than that they recommend approval of the proposed request.

Chairperson Erickson asked if anyone from the audience would like to speak to this item; seeing none, asked for continued discussion or a motion.

Moved by Commissioner Crowley, seconded by Commissioner Costa, the Plan and Zoning Commission adopt a resolution recommending the City Council approve the Major Modification to a site plan to construct a 75,000 sq. ft. office building at 1075 Jordan Creek Parkway, subject to the applicant meeting all City Code requirements and the following:

1. That the applicant acknowledge that prior to any occupancy permit for the building, the landscaping for open space, parking lot, and screening be installed, inspected, and approved or in the event the landscaping is not complete, surety in an amount equal to 1 ½ times the landscape contract be submitted to the City in order to receive a temporary occupancy permit. The applicant further acknowledges that all site improvements, including landscaping will need to be completed, inspected by staff, and deficiencies remedied prior to the issuance of a Final Occupancy Permit for the building.
2. That the applicant acknowledge that final site plan drawings which address all staff comments must be submitted prior to any work that may require City inspections.
3. That the City Council accept right-of-way and utility easements for an additional 2.5 feet of right-of-way along Jordan Creek Parkway adjacent to this site and for an additional 5 feet of right-of-way along 72nd Street adjacent to this site, prior to any occupancy of the building.
4. That the City Council allow ingress/egress easement, the street light agreement (if needed), and the storm water facility management agreement and certifications to be submitted prior to any occupancy of the building.

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Vote: Andersen, Costa, Crowley, Erickson, Southworth.....Yes
Hatfield.....Abstain
Brown.....Absent
Motion carried.

Item 5 – Staff Reports

There were no staff reports.

Item 6 - Adjournment

Chairperson Erickson asked for a motion to adjourn the meeting.

Moved by Commissioner Southworth, seconded by Commissioner Costa to adjourn the meeting.

Vote: Southworth, Costa, Andersen, Crowley, Erickson, Hatfield.....Yes
Brown.....Absent
Motion carried.

The meeting adjourned at 5:54 p.m.

Craig Erickson, Chairperson

Michelle Riesenber, Recording Secretary